

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

JULY 13, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 6:30 p.m. on this date.

Roll Call

Council Members in attendance included: George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, Mayor Evans, and Vickie Blakey. Others in attendance included: City Engineer Scott Vagedes, City Intern Matt Conover, *Dayton Daily News* Reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Discussion – Income Tax Credit Reduction

City Manager Crusey informed Council that he had been requested by a Councilmember to put together information regarding the cost of getting Tipp City's streets up to standard in the next 10 years and if it could be accomplished through a municipal income tax credit reduction. Mr. Crusey explained that it would take in excess of \$8M over the next 10 years to bring streets up to standard. He added that currently Tipp City residents who work outside the City limits are given a 100% credit and that 60% of residents pay tax to another municipality.

Mr. Crusey reviewed a Powerpoint presentation which showed that, in the past, excess funds in the General Fund were used for additional projects. This year, the City is currently spending more money than what is being brought in. Therefore, the General Fund is not able to transfer funds to complete additional capital projects. There are 56 miles of street which need to be resurfaced and currently unfunded street reconstruction projects total \$1,975,000; streets have not been resurfaced since 2003.

Mr. Lovett stated that this means that 60% of wage earners in Tipp City are paying 0% tax. Mrs. Blakey stated that implementing this program raises taxes without residential approval – in essence backdooring residents into a new tax since they didn't pass two levies – and added that she would not support this. Mr. Lovett stated that Tipp City residents are not paying Tipp City anything, but are using City services. President Hale stated that he agrees we have to do something but believes that any decision should wait until after Council elections in the fall. Mr. Kessler stated that he doesn't believe we can wait that long and that it's time for this Council to "take the hit" and not pass this problem on to the next Council. Mr. Kessler added that he believes that residents are getting tired of streets not being repaired and will understand that something needs to be done. Mrs. Blakey disagreed stating that residents aren't that unhappy if they aren't willing to vote for a levy.

Mayor Evans reminded Council that Mr. Crusey's presentation shows that the cost of resurfacing streets has almost doubled since 2002 and questioned where these costs will be in another 10 years.

Mr. Crusey was asked if this is an acceptable practice and he estimated that one-third of communities in Ohio reduce tax credits. He added that when you see more growth in residential development instead of jobs, it is a draw on the budget.

Mr. Lovett stated that Tipp City has deteriorating roads right now and he believes this is the most fair way to alleviate the problem. He asked Mr. Crusey how this could be implemented. Mr. Crusey reported that Finance Director Drennen states no new staffing would be required as Tipp City currently has mandatory income tax filing. Information could be communicated through Tippecanews, utility bills and the newspapers.

Mrs. Gillis stated that she would be "on board" if it was limited to 10 years.

Mr. Crusey noted that the City has cut about as much as it could without cutting personnel and reminded Council that cutting personnel would also cut services.

Mrs. Blakey stated that Tipp City residents and those wishing to move into Tipp City will see higher taxes. Mayor Evans stated that it is still cheaper to live in Tipp City than many other cities. Mr. Lovett added that he believes this is the fairest method to address the problem – by asking 100% of people to pay for services rather than 40%. President Hale disagreed stating that it is not the "fairest" way but the "easiest" way.

Adjournment

The study session concluded at 7:30 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

JULY 13, 2009

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:31 p.m. Roll call showed the following Councilmembers present: George H. Lovett, President Patrick A. Hale, Dolores Gillis, Vickie Blakey, Mayor Tim Evans, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Brian Huelsman, Fire Chief Steve Kessler, Utilities Director Mo Eichman, Police Chief Tom Davidson, Water Superintendent Kevin Price, *Dayton Daily News* reporter Nancy Bowman, *Sunday Record Herald* reporter Joyell Nevins, and Clerk of Council Cathy Ross.

Guests signing the register included: Katie Black, Steven Chaney, Robert Angerer, Stephen Angerer, and John Berbach.

President Hale made a motion to excuse Mr. Beagle. Motion was seconded by Mr. Lovett and unanimously approved.

Invocation and Pledge of Allegiance

President Hale delivered the invocation and President Hale led the Pledge of Allegiance.

Approval of Agenda Amended

President Hale made a motion to amend the agenda to add item E to the Motions. Motion was seconded by Mr. Lovett and unanimously approved.

President Hale made a motion to approve the amended agenda, seconded by Mrs. Gillis and unanimously approved.

Adoption of Minutes

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the June 15, 2009 pre-meeting study session. The motion carried 6-0.

Mr. Lovett moved, seconded by Mr. Kessler, to approve the minutes of the June 15, 2009 meeting. The motion carried 6-0.

Presentations, Proclamations, and Awards

Utility Director Mo Eichman introduced the new Superintendent of Water/Wastewater Kevin Price.

Ordinance (Second Reading) Ordinance 16-09 Transfer of Vehicles

The following ordinances were presented to City Council for adoption.

An ordinance directing the City Manager to transfer two city vehicles to the Ohio Peace Officers Training Academy.

Clerk of Council Summary: Two obsolete police cruisers will be transferred to the Ohio Peace Officers Training Academy in exchange for training for Tipp City Police Officers.

City Manager's Report: The adoption this ordinance would authorize the City Manager to transfer two obsolete police cruisers to the Ohio Police Officers Training Academy in exchange for a \$2,500 credit to be used toward

future departmental training costs. The vehicles in question are a 1999 Ford Crown Victoria with 99,649 miles and a 2005 Ford Crown Victoria with 125,984 miles.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Ordinance 16-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 16-09
Charter Amendments

An ordinance requiring the submission of certain proposed charter amendments to the Board of Elections.

Clerk of Council Summary: The Charter Review Commission reviewed the Tipp City Charter in 2008 and recommended that three changes be made.

City Manager Report: The adoption of this ordinance would direct the Clerk of Council to forward the proposed charter amendments to the Miami County Board of Elections to be placed on the November 3 ballot. These proposed amended charter measures were recommended by the Charter Review Commission last May. The Secretary of State's office disallowed the placement of the charter amendments on last November's ballot because a motion rather than an ordinance was utilized to authorize placement of the charter amendments on the ballot.

There being no further discussion, Mayor Evans sponsored this ordinance and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a 6-0 vote. Ordinance 16-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 18-09
Waste Management
Contract

An ordinance renewing the term of a certain contract between the City and Waste Management, Inc.

Clerk of Council Summary: This legislation authorizes a one-year contract renewal to Waste Management of Ohio for the City Refuse Collection programs.

City Manager Report: The adoption of this ordinance authorizes the City Manager to extend the Contract for Refuse and Recycling with Waste Management for an additional period of one year. The original three-year contract with Waste Management expires September 30, 2009. The contract specifies that the contractor and Municipality may extend the contract for up to three (3) one (1) year extensions, upon written mutually agreeable terms. The proposed renewal rates include an Ohio EPA fee of \$1.25 per ton, which is anticipated to go into effect August 1. With the OEPA fee included in the rate, the average refuse customer will realize a rate increase of a little more than three percent. Without the new OEPA fee, the average increase is around 2.5%.

There being no further discussion, Mrs. Gillis sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried with a 6-0 vote. Ordinance 18-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 19-09
Rosewood Creek

An ordinance approving the Final Plan/Plat for Phase Three of the Rosewood Creek PRD Subdivision.

Summary: The Planning Board reviewed and recommended approval of the final plat for Section Three of this subdivision. Council approval is the final step in the platting process. This item was tabled at the October 6, 2008 meeting.

City Manager Comments: The adoption of this ordinance would approve the final plan for phase 3 of the Rosewood Creek PRD Subdivision. This process began in August 2008 when the plan was reviewed and recommended for approval by the Planning Board. City Council then introduced this ordinance at its September 15, 2008 meeting but tabled further action on the ordinance at its October 6, 2008 meeting until surety was in place. The appropriate surety is now in place and staff recommends approval of this ordinance.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried with a 6-0 vote. Ordinance 19-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolutions
(One Reading Required)
Resolution 29-09
Evanston Road
Resurfacing Project

The following resolutions were presented to City Council for adoption.

A resolution authorizing the City Manager to enter into a contract with the John R. Jurgensen Co. of Dayton, Ohio for the Evanston Road Resurfacing Project at a cost of \$212,210.50.

Clerk of Council Summary: Three bids were received for this project with the lowest and best bid from John R. Jurgensen Co. This bid is under the Engineer's estimate.

City Manager Report - The adoption of this resolution authorizes the City Manager to enter into an agreement with John R. Jurgenson Co. for the Evanston Road Resurfacing Project in the amount of \$212,210.50. This project involves the repaving of Evanston Road from CR 25-A east to the railroad tracks. The City was awarded \$290,316 in Stimulus Funds for this project. Three bids were received ranging from \$212,201.50 to \$235,523.90. The engineer's estimate was \$284,000.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Resolution 29-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 30-09
Purchase of Road
Deicing Salt

A resolution authorizing the purchase of road deicing salt from Cargill, Inc. at a rate of \$64.83 per ton dumped or \$68.33 per ton using a piler for an amount up to 800 tons.

Clerk of Council Summary: Authorizes the purchase of road de-icing salt through the Southwest Ohio Purchasers for Government (SWOP4G) cooperative bid awarded to Cargill, Inc. from North Olmsted, Ohio.

City Manager's Report: The Southwest Purchasers For Government (SWOP4G) purchasing cooperative recently bid out road salt for participating communities with Cargill being the low bidder for Tipp City. The adoption of this resolution would authorize the City Manager to purchase road deicing salt from Cargill, Inc. at a price of \$64.83 per ton. While this price is well below last year's price of \$104.23 per ton, it is still more than 35% above 2007's cost per ton. Unlike last year, the City is not obligated to purchase its entire 800 ton commitment. We currently have over 750 tons of road salt in stock and have averaged 744 tons per season over the last five years. However, last year only 467 ton of road salt was used utilizing salt conservation practices.

There being no further discussion, President Hale sponsored this resolution and moved for its adoption, seconded by Mrs. Blakey. The motion carried with a 6-0 vote. Resolution 30-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 31-09
Resolution of Necessity

A resolution of necessity for improvements on various streets upon the addresses attached to replace sidewalk, curb and gutter, and driveway approaches where necessary.

Clerk of Council Summary: This legislation fulfills requirements of the Ohio Revised Code to declare by Resolution of Necessity those repairs within the public right-of-way intended to be assessed to property owners abutting sidewalks, curbs and gutter, and driveway aprons.

City Manager's Report: This Resolution of Necessity is the first step in the assessment process for the City's 2009 Sidewalk Program. The adoption of this resolution authorizes the City to repair and assess the cost of sidewalks, curb & gutter, and driveway approaches if they are not constructed or repaired by the owners of the properties. Bids for the sidewalk program are scheduled to be opened July 23. Thereafter, affected property owners will be notified of the need to construct or repair their sidewalk, curb & gutter, and/or driveway approaches by certified mail and given 30 days to construct or repair the same. The City's contractor will perform the work on any property not completed by September 15.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion carried with a 6-0 vote. Resolution 31-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance First Reading
Amending Code to
Comply with New
Residency Requirements
for Employees

Mrs. Blakey sponsored an ordinance amending § 37.53 of the Tipp City Municipal Code.

Clerk of Council Summary: This ordinance amends Section 37.53 of the Tipp City Municipal Code to comply with new regulations from the Ohio Supreme Court.

City Manager's Report: The Supreme Court of Ohio recently upheld as constitutional a 2006 state law that bars a political subdivision from requiring its employees, as a condition of employment, to reside in a specific area of the state. The effect of this ruling is that §37.53 of the Tipp City Code of Ordinance, which requires full-time employees to live within 15 miles of the City and

provides the City Manager the authority to require newly hired management employees to reside in the City, is invalid. The adoption of this ordinance would enact the provisions of §9.481 of the Ohio Revised Code, which was upheld by the Court, that allows a political subdivision to adopt an ordinance or resolution that requires any individual employed by that political subdivision in an “emergency or disaster response position”, as a condition of employment, to reside in either the county where the political subdivision is located or in any adjacent county in this state. Furthermore, this ordinance authorizes the City Manager to designate certain positions as “emergency or disaster response positions”, subject to approval by Council. There are no restrictions regarding where any employee in a non-emergency or disaster response position may reside. The Police and AFSCME collective bargaining agreements already include the Revised Code residency provision in anticipation of this ruling.

Motions

President Hale made a motion to set October 29, 2009 as the date for Beggar’s Night in Tipp City. Motion was seconded by Mrs. Gillis and approved 5-1. Mr. Lovett cast the dissenting vote.

Mrs. Blakey made a motion to approve filling the vacant Foreman position in the Water/Wastewater Department. Motion was seconded by Mr. Hale and approved 5-1. Mr. Kessler cast the dissenting vote.

Mrs. Blakey made a motion to approve an annexation and service agreement for 7025 South CR25A. Motion was seconded by President Hale and approved 6-0.

President Hale made a motion to approve a waterline construction agreement for 7025 South CR25A. Motion was seconded by Mrs. Gillis and unanimously approved.

Mr. Kessler made a motion confirming the expenditure of \$56,404 to Vectren for the installation of natural gas mains along Kinna Drive. Motion was seconded by Mrs. Blakey and approved 6-0.

Citizen Comments

There were none.

**Councilmember
Comments**

Mrs. Blakey offered her congratulations to Kevin Price on his promotion. She added that she has heard a lot of nice comments about the fireworks, the pool and the bike path.

City Manager Comments

City Manager Crusey reported that he will be out of town beginning July 31st and will therefore not be attending the August 3rd Council meeting.

Adjournment

President Hale made a motion, seconded by Mrs. Blakey, and unanimously approved to adjourn the meeting at 8:07 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

JULY 13, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 8:10 p.m. on this date.

Roll Call

Council Members in attendance included: George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, Mayor Evans, and Vickie Blakey. Others in attendance included: Police Chief Tom Davidson, Fire Chief Steve Kessler, *Dayton Daily News* Reporter Nancy Bowman, *Independent Voice* Reporter Katie Black, and Clerk of Council Cathy Ross.

**Discussion –
Financial Update**

City Manager Crusey reviewed with Council a Powerpoint presentation on the mid-year financial report for the City of Tipp City and noted the following:

- 49.1% of General Fund revenue was collected as of June 30, 2009 as compared to 46.8% in 2008.
- 4% under budget for income tax revenues.
- Mr. Drennen predicts that revenue will be down \$52,000 in General Fund.
- Estate tax revenue is over budget
- Projected year-end increase in the general fund balance of \$20,163.

Mr. Crusey noted that the general fund is stable and Mr. Drennen hopes to break even for the year. Mr. Crusey added that we would be doing a RFP to see if anyone is interested in operating the TFAC next year.

Adjournment

The study session concluded at 8:35 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council